



**U.S. DEPARTMENT OF TRANSPORTATION**

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

950 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

April 29, 2009

IN REPLY REFER TO  
HDA-CA  
Document #: S52637

Mr. Will Kempton, Director  
California Department of Transportation  
1120 N Street  
Sacramento, CA 95814

Attention: Federal Resources Office, MS # 82  
For Rachel Falsetti, Transportation Programming

Dear Mr. Kempton:

SUBJECT: FY 2009 FTIP Amendment No. 6 – Tulare County Association of Governments (TCAG)

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment No. 6 to the Tulare County Association of Governments (TCAG) Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated April 23, 2009. TCAG adopted Amendment No. 6 on April 20, 2009. This amendment to TCAG's 2008/09 FTIP:

- Adds and modifies various projects from several funding programs for Tulare County. The amendment programs new projects for the Federal Lands Highway Program, Safe Routes to School (State) and adds new funding from the American Recovery and Reinvestment Act of 2009 (Recovery Act) for FTA programs such as Recovery Act – FTA 5307 and Recovery Act 5311. In addition, this amendment makes several changes to projects funded by other programs including Congestion Mitigation and Air Quality Program, Safe Routes to School Program (Federal), FTA 5307, 5311, 5216 and 5317..

Pursuant to the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*, we accept the modifications to the 2008/09 – 2011/12 Federal Statewide Transportation Improvement Program (FSTIP) for the TCAG region in accordance with the Final Rule on Statewide and Metropolitan Transportation Planning published in the February 14, 2007 Federal Register. We find that the TCAG's 2008/09 FTIP, through Amendment No. 6, was developed through a continuing, cooperative and comprehensive transportation planning process carried out in accordance with the metropolitan planning provisions of 23 U.S.C. 134, and 49 U.S.C. Chapter 53 as amended by Section 6001 of Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

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We have determined that this program modification is exempt from the regional emissions analysis requirements pursuant to the transportation conformity provisions found in 40 CFR Part 93. This finding has been coordinated with Region 9 of the Environmental Protection Agency (EPA) in accordance with the procedures outlined in the *National Memorandum of Understanding between DOT and EPA on Transportation Conformity*, dated April 25, 2000. Therefore, we find that the FTIP continues to conform to the applicable State Implementation Plan (SIP).

Based on our review of the lists of projects proposed for Recovery Act funding, we recommend that TCAG encourage the local agencies in the region to work closely with the Caltrans District Local Assistance Engineer (DLAE) to ensure the proposed Recovery Act projects listed in the FTIP/FSTIP are on located on a Federal-aid highway, specifically a highway or highways eligible for assistance under Chapter 1 of 23 U.S.C. other than highways classified as a local road or rural minor collector.

This approval is provided with the understanding that the FTA funding approval on the individual projects contained in the FSTIP are subject to grantees meeting all necessary FTA administrative requirements, and that approval of this programming action does not provide a federal eligibility determination for CMAQ projects or any other project funding source included in this amendment.

If you have questions or need additional information concerning our approval for this TCAG FSTIP amendment, please contact Scott Carson ([scott.carson@dot.gov](mailto:scott.carson@dot.gov)) of the FHWA California Division office at (916) 498-5029.

Sincerely,

*/s/ Leslie T. Rogers*

*/s/ Aimee Kratovil*

Leslie T. Rogers  
Regional Administrator  
Federal Transit Administration

For  
Walter C. Waidehich, Jr.  
Division Administrator  
Federal Highway Administration

cc: (e-mail)

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Paul-Albert Marquez, Caltrans District 6

Karina O'Connor, EPA

cc: (other)

TCAG TIP Binder

SCarson/ac